

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	:	Case No. 08-13555 (SCC)
	:	
Debtors.	:	
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**[PROPOSED] SECOND AMENDED ORDER IN AID OF ALTERNATIVE  
DISPUTE RESOLUTION PROCEDURES ORDER FOR INDEMNIFICATION  
CLAIMS OF THE DEBTORS AGAINST MORTGAGE LOAN SELLERS**

Upon the motion, dated October 21, 2021 (the “Motion”), of Lehman Brothers Holdings Inc. (“LBHI” or “Plan Administrator”), as Plan Administrator, for an order in aid of the *Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers*, dated July 18, 2014, as amended on November 14, 2018 [Dkt. No. 59085] and January 14, 2019 [Dkt. No. 59387], as applicable (as so amended, the “ADR Order”), as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein; and due and proper notice of the Motion having been provided under the procedures in the Court’s amended Order entered June 17, 2010, governing case management and administrative procedures [Dkt. No. 9635]; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Plan Administrator, its creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Motion is granted solely as set forth herein; and it is further

ORDERED that Suburban Mortgage, Inc. (“Suburban”) is bound by the ADR Order and is required to participate in the mediation of LBHI’s Indemnification Claims in good faith; and it is further

ORDERED that the ADR Order [Dkt No. 59387] is amended as to Suburban only:

1. The text of paragraph 8.b. is deleted and replaced with: “Seller’s Response to Notice. Suburban must respond to the Indemnification ADR Notice in writing through a “Statement of Position” within seven (7) calendar days from the date of service of the Notice. The response options available to Suburban are as follows (the “Response”).” Paragraphs 8.b.i. and 8.b.ii remain the same.

2. The text of paragraph 8.d is amended as follows: the phrase “LBHI may serve a reply withing fifteen (15) days” is amended to “LBHI may serve a reply within seven (7) days.”

In addition, the phrase “in which case the Indemnification ADR Dispute will automatically proceed to the Mediation Stage within fifteen (15) calendar days (the “Reply”)” is amended to “in which case the Indemnification ADR Dispute will automatically proceed to the Mediation Stage within seven (7) calendar days (the “Reply”).”

2. The text of paragraph 10.c. is deleted and replaced with: “Choice of Mediator. Suburban shall select the mediator.”

2. The text of paragraph 10.d. is deleted and replaced with: “Mediation Sites: All mediation proceedings with Suburban will take place virtually, unless otherwise agreed upon by both parties.”

3. The text of paragraph 17 is deleted and replaced with: “Fees: The Plan Administrator shall pay for all reasonable fees and costs charged by the mediator in connection with the mediation with Suburban.”

ORDERED that Suburban and the Plan Administrator shall participate in mediation within 30 days of entry of this order; and it is further

ORDERED that the ADR Order shall remain in full force and effect notwithstanding the filing of the Motion and the entry of this order; and it is further

ORDERED that this Court retains jurisdiction with respect to all matters arising from or related to the interpretation and implementation of this order.

Dated: New York, New York  
November \_\_, 2021

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HON. SHELLY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE